

BEFORE THE INDIANA STATE DEPARTMENT OF HEALTH

**AN ADMINISTRATIVE RULES HEARING
LSA DOCUMENT #09-40**

HEARING OFFICER REPORT

This matter came before the duly appointed Hearing Officer, Morgan E. McGill, on the 3rd day of September, 2009, at 10:00 a.m., at the Indiana State Department of Health (ISDH), 2 North Meridian Street, Indianapolis, Indiana.

Notice of time and place of the hearing was given as provided by law by publishing on August 5, 2009, in the *Indianapolis Star* and by publishing in the *Indiana Register* dated August 5, 2009. Proof of publication of this notice has been received by the ISDH and the notice and proof are hereby incorporated into the record of this cause by reference and placed in the official files of the ISDH.

Individuals present:

Cassie Hiatt, Radiographer at St. Vincent Hospital

Elizabeth Timberman, Radiographer at St. Vincent Hospital

Joyce Forrest, Radiographer at St. Vincent Hospital

Dr. James Howell, Assistant Commissioner, Public Health & Preparedness Commission, ISDH

Wayne Fischer, Immunization Director, ISDH

Dawn Adams, Operations Manager, ISDH

Dr. Joan Duwve, Immunizations Program, ISDH

Sandie Beren, Glaxo-Smith Kline

There were no oral statements or written statements submitted at the hearing.

No one appeared to testify at the public hearing and no written comments were received. The record was left open until September 4th, 2009. Two written comments were received on September 4th, 2009. The comments are attached as Exhibits A & B.

Written comments received via email on Sept. 4th, 2009:

From: Carolyn A. Snyder, RN, MS

Executive Director

Indiana Association of School Nurses

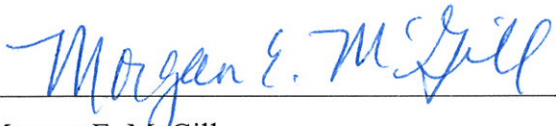
Comment: Please make sure immunization requirements are approved by ISDH, as well as CDC. [Referring to proposed change to 410 IAC 1-1-1(5)].

From: Phyllis J. Lewis, MSN, RN

Indiana Department of Education

Comment: Requesting clarification of 410 IAC 1-1 (1)(5) in the proposed rule, with language: "Additional disease for which immunizations are recommended by the Centers for Disease Control and Prevention (CDC)." Inquiring whether that provision signifies that recommendations from CDC will be required without any review, oversight or recommendation from the department of health? Requesting that the department of health review the proposed language prior to final adoption.

Dated at Indianapolis, Indiana this 4th day of September, 2009.



Morgan E. McGill
Hearing Officer

Exhibit A

McGill, Morgan E.

From: Duwve, Joan
Sent: Friday, September 04, 2009 2:36 PM
To: McGill, Morgan E.
Subject: FW: Comment re: Proposed Rule 410 IAC 1-1-1 Section 1-(5)

Morgan, please see the comment below on our proposed rule.

Thanks,
Joan

Joan M. Duwve, MD, MPH
Indiana State Department of Health
2 North Meridian St.
Indianapolis, IN 46204
(317) 233-7164 voice
(317) 233-7805 fax
email: jduwve@isdh.in.gov

From: Carolyn Snyder [<mailto:bcsnyder3842@sbcglobal.net>]
Sent: Friday, September 04, 2009 2:28 PM
To: Duwve, Joan
Cc: Mary Conway
Subject: Comment re: Proposed Rule 410 IAC 1-1-1 Section 1-(5)

Please make sure immunization recommendations are approved by Indiana State Department of Health, as well as CDC.

Carolyn A. Snyder, RN MS
Executive Director
Indiana Association of School Nurses
611 S. Water St.
Crawfordsville, Indiana 47933
765-362-7493
bcsnyder3842@sbcglobal.net

9/8/2009

Exhibit B

McGill, Morgan E.

From: Duwve, Joan
Sent: Friday, September 04, 2009 5:22 PM
To: McGill, Morgan E.
Subject: Fw: Proposed Rule Change 410 IAC 1-1-1

Morgan, I received this before 5 pm. I am forwarding it to you for your information. I believe this supports the changes you made based on the comment received earlier today.

Thank you.

Joan
Joan Duwve, MD, MPH
Medical Director
Indiana State Department of Health
2 N. Meridian St.
Indianapolis, IN. 46204
317-233-7164

From: Phyllis Lewis
To: Duwve, Joan
Cc: Linda Rusthoven
Sent: Fri Sep 04 16:12:57 2009
Subject: Proposed Rule Change 410 IAC 1-1-1

Joan Duwve, MD
Indiana State Department of Health
2 North Meridian Street
Indianapolis, IN 46204

Dear Dr. Duwve,

This email is in relation to the proposed changes concerning immunizations. I am asking for clarification of 410 IAC 1-1 (1) (5) "Additional disease for which immunizations are recommended by the Centers for Disease Control and Prevention (CDC)". Does this signify that recommendations from CDC will be required without any review, oversight or recommendation from the department of health? I am requesting that the department of health review this proposed language prior to final adoption.

Thank you.

Phyllis J. Lewis, MSN, RN

plewis@doe.in.gov
CONFIDENTIALITY NOTICE

This communication is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient(s), the dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please contact the sender immediately and destroy all copies of the original message and any attachments. Receipt by anyone other than the named recipient(s) does not constitute a waiver of any applicable privilege.

9/8/2009